

COUNTY of
CUMBERLAND
VIRGINIA

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Planning Commission

District 1
Patrick Smook

District 2
Keith Oulie

District 3
William C. Burger, Vice Chair

District 4
David Brown

District 5
Rolland Gilliam

At Large
Parker Wheeler, Chair

At Large
Irene Speas

Board of Supervisors Liaison
William "Bill" Osl, Jr.

MINUTES OF THE
CUMBERLAND COUNTY PLANNING COMMISSION
PUBLIC HEARING
Cumberland County Courthouse
Cumberland, Virginia
January 24, 2006, 7:00 P.M.

Present: Patrick Smook, District 1
Keith Oulie, District 2
Bill Burger, Vice-Chair, District 3
David Brown, District 4
Roland Gilliam, District 5
Irene Speas, At-Large
Parker Wheeler, Chairman, At-Large
Bill Osl, Board Liaison

Also Present: Catherine Kahl, Planner/Zoning Administrator, Clerk of the Commission;
Darvin Satterwhite, County Attorney

Press: Jason Norton, Farmville Herald; Bill Smith Cumberland Bulletin

The meeting was called to order, the roll called, and a quorum established.

A motion to accept the minutes of December 12th, January 9th, and January 10th was made by Commissioner Smook, seconded by Commissioner Oulie. The minutes were unanimously accepted with minor changes.

A resolution, recommending the adoption of an ordinance amending Section 74-263 of Chapter 74 of the County Zoning Ordinance to allow the granting of a Conditional Use Permit for the maintenance of one horse or one pony on lots or parcels having less than four acres in the R-2 district was introduced. After discussion by the Commissioners, a motion was made, by Commissioner Smook and seconded by Commissioner Gilliam, to adopt the CUP and send to the Board of Supervisors for Public Hearing. It was unanimously passed.

Ms. Kahl then explained that CUP 05-12-01 was filed by Elaine Von Honk because she had less than the 4 acres now required by the ordinance for maintenance of a horse. She also stated adjoining properties were zoned A-2, which allowed for horses, and the physical layout of the R-2 zoned Van Honk property led to privacy of her fenced areas for her horse.

During discussion, Commissioner Oulie wanted to add specific reasons for the CUP to be granted. Commissioner Smook had a concern about being too specific. County Attorney Satterwhite stated that specifics were already covered in 74-702 and covered offered revisions. Commissioner Oulie made a motion to add language to the CUP, which was seconded by Commissioner Burger. Abstaining: Commissioner Speas, Commissioner Gilliam, and Commissioner Brown. Aye: Commissioner Oulie, Commissioner Wheeler, Commissioner Burger, Commissioner Smook. After discussion by the Commissioners, a motion was then made by Commissioner Oulie to accept the CUP with the addition of "compatible with

adjoining land use” to the ordinance. It was seconded by Commissioner Burger and unanimously approved to send to the Board for Public Hearing.

The next item for discussion was the amendment to the family subdivision ordinance. Under Public Comments John Steele stated his frustration with the requirement to build state roads for minor subdivisions, and the hardship created with having to hold the land for five years in the event of a family member having to move due to illness or a job.

County Attorney Satterwhite explained the hardship exception clause was included to cover this situation. He also explained “rebuttable presumption,” in the event of an early sale of property, which he stated as meaning “the sale is not indisputable.”

Mr. Osl asked what the penalty would be if the ordinance was violated.

Mr. Satterwhite stated the county would take the position of an illegal transfer of land, which throws into doubt the validity of the title.

Commissioner Oulie asked how this would be made known. He also stated that the General Assembly had left family division language vague to allow counties to draft ordinances per their needs. He questioned the need for this ordinance in this format.

Ms. Kahl answered that the family would be asked to sign a Family Division Affidavit agreeing to hold the land for five years at the time of land transfer. This would be on file in the event there is an early land transfer, and could be used to test for rebuttable presumption.

Mr. Osl asked who determines what is considered a hardship.

Mr. Satterwhite stated this would be determined by the Plats Officer, with appeal of the decision going before the Planning Commission for review. Different scenarios were discussed about the interpretation of the ordinance. He stated that the code is to prevent developers from trying to get around the ordinance to mix parent tract and family divisions. This would create a major subdivision without going before the Planning Commission and the Board of Supervisors for oversight.

Mr. Osl then asked Ms. Kahl if she was comfortable with this process. She stated that she was.

Commissioner Gilliam asked what would happen after five years. It was explained that the property could then be sold to anyone. Mr. Satterwhite also stated that this information needs to be added to the affidavit: that roads are not maintained by the county or VDOT because they are established by family division, and have been exempted from VDOT regulations on minor subdivisions.

Mr. Osl stated we need to clarify what the code allows/disallows.

Commissioner Oulie made a motion to refer the ordinance to the Board of Supervisors for Public Hearing. Commissioner Burger seconded the motion, and it was unanimously approved.

CUP # 06-01-1 was presented by Ms. Kahl, and she introduced Mr. Gormley of Covance, who stated that the business is growing and there is a need both now and in the future for new facilities.

Commissioner Speas stated that Covance has been an asset to the county and good neighbors. She also stated that she was happy they would be adding 35 new jobs.

Commissioner Smook stated he has also heard good things about Covance. He had questions about sewer and water systems.

Mr. Gormley stated they had their own water/sewer systems in place. He also stated that they would like for future requests for expansion to be administratively approved.

Commissioner Speas made a motion to hold a Public Hearing in February. Commissioner Gilliam seconded, and it was unanimously approved.

The CIP Rankings, with a change in the comment section regarding private support for the purchase of land for a new Industrial Park, is to now read "PC does not want county money to purchase land for a new Industrial Park." A motion was made to accept the CIP Rankings with this change by Commissioner Oulie, seconded by Commissioner Brown, and unanimously approved.

An amendment to Code regarding referrals from the Board of Supervisors was introduced, and after limited discussion, a motion was made by Commissioner Burger to set it for Public Hearing. Commissioner Speas seconded the motion and it was unanimously approved.

Ms. Kahl gave the background on Purchase of Development Rights (PDR) programs. Mr. Satterwhite explained that the law only requires the Board of Supervisors to have a Public Hearing, but the Planning Commission should send a recommendation to them.

Mr. Osl stated that Bill Dickerson could come and give a presentation to the Planning Commission on PDR and that the James City Code, provided as a model, will need to be revised for use by our county.

Mr. Satterwhite reiterated that the Public Hearing could only be held at the Board meeting.

Commissioner Wheeler stated that we could rework the ordinance and look at it at the next meeting.

Mr. Osl again stated he thinks we should get Bill Dickinson to schedule a workshop with the Commissioners.

Citizen Survey revisions were presented by Todd Fortune of the Commonwealth Regional Council. Discussion ensued regarding scoring of the survey and the importance to the citizen versus satisfaction. Scheduling of the survey was discussed with no date set.

Commissioner comments included:

Commissioner Smook discussed his concern with Mr. Steele's comments regarding the family division changes.

Commissioner Oulie wants things clearly spelled out.

Commissioner Brown stated his opinion that family divisions create a lot of problems.

Commissioner Burger had concerns about how to create development areas versus rural areas.

Chairman Wheeler stated his objective was to plan the best we can.

Mr. Osl discussed current plans regarding the reservoir and the contract with Allied for construction and management of the proposed landfill. All processes are still in negotiation.

Commissioner Burger made a motion to adjourn, seconded by Commissioner Smook and unanimously approved. The meeting was adjourned until the February 6, 2006 workshop.

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Attested:

Parker Wheeler, Planning Commission Chair

Date

Catherine Kahl, Clerk of the Commission

Date